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14 Plaintiff, Pro se

15 **UNITED STATES DISTRICT COURT**

16 **CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

17 **VOICE INTERNATIONAL, INC., a**  
18 **California corporation; DAVID**  
19 **GROBER, an individual,**

20 **Plaintiffs,**

21 **vs.**

22 **OPPENHEIMER CINE RENTAL,**  
23 **LLC, a Washington corporation;**  
24 **OPPENHEIMER CAMERA**  
25 **PRODUCTS, INC., a Washington**  
26 **corporation; MARTY**  
27 **OPPENHEIMER, an individual;**  
28 **Oceanic Production Equipment, Ltd.,**  
**a Bahamian company,**

**Defendants.**

**Case No.: 2:15-cv-08830-JAK-KS**

**PLAINTIFFS' SECOND**  
**AMENDED COMPLAINT FOR**  
**PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**



1 place of business at 578 West Washington Blvd., # 866, Marina Del Rey, CA  
2 90292, doing business as Motion Picture Marine.

3  
4 6. On information and belief, Defendant Oppenheimer Cine Rentals,  
5 LLC (“Oppenheimer Cine”) is a limited liability corporation organized under the  
6 laws of the State of Washington. Oppenheimer Cine is engaged in the business of  
7 producing, distributing, selling and renting film and video production equipment  
8 including camera stabilizers, and has an office at 7400 3<sup>rd</sup> Avenue South, Seattle,  
9 Washington 98108.

10  
11 7. On information and belief, Defendant Oppenheimer Camera Products,  
12 Inc. (“Oppenheimer Camera”) is a corporation organized under the laws of the State  
13 of Washington. Oppenheimer Camera is engaged in the business of producing,  
14 distributing, selling and renting film and video production equipment including  
15 camera stabilizers, and have an office at 7400 3<sup>rd</sup> Avenue South, Seattle,  
16 Washington 98108.

17  
18 8. On information and belief, Defendant Marty Oppenheimer is an  
19 individual personally involved in, coordinating, supporting and/or directing the  
20 alleged infringing activities of Oppenheimer Cine and Oppenheimer Camera, and  
21 has an office at 7400 3<sup>rd</sup> Avenue South, Seattle, Washington 98108 where he may  
22 be served.

23  
24 9. On Information and belief Defendant Oceanic Production Equipment  
25 Ltd. (OPEL-Bahamas) is organized under the laws of the commonwealth of the  
26 Bahamas.

1           10. OPEL-Bahamas offers for sale and rent, and sells and rents the  
2     infringing device. OPEL-Bahamas is personally involved in coordinating,  
3     supporting, inducing, and/or directing the alleged infringing activities, including,  
4     but not limited to the Oppenheimer Defendants, and includes infringing activity in  
5     California. OPEL-Bahamas lists as their address, an offshore Post Office Box, in  
6     Mareva House, 4 George Street. P.O. Box N.3937. Nassau, Bahamas. 352 288  
7     0111.

8  
9           11. Defendants, and each of them, have acted in concert, to deprive  
10    Plaintiffs of the economic benefits of the patented invention. Accordingly, they are  
11    each jointly and severally liable for the damages suffered by Plaintiffs as a result of  
12    their collective infringement.

13  
14                                   **THE ASSERTED PATENT**

15           12. United States Patent No. 6,611,662 for an Autonomous, Self Leveling,  
16    Self Correcting Stabilized Platform (“the ‘662 patent”). The ‘662 patent describes  
17    and claims a stabilizer for keeping a camera stable on a moving platform, such as a  
18    boat. The ‘662 patent is the subject of *Grober v. Mako Products, Inc.*, currently  
19    pending in this District as case no. 2:04-cv-08604.

20  
21           13. The validity of the ‘662 patent was affirmed in United States Patent  
22    Office reexamination proceeding no. 95/000,092. A true and correct copy of the  
23    ‘662 patent is attached as Exhibit A. Grober is the inventor and owner of the ‘662  
24    patent and holds all rights and interest thereto. Voice International has an exclusive  
25    license from Grober to commercialize the ‘662 patent.

26  
27           14. The Claims of the 6,611,662 patent that are infringed by all the  
28    defendants, either literally or under the Doctrine of Equivalents, are:

1 Independent Claims: 1, 14, 31, 32, 35, 38.

2 Dependent Claims: 3, 4.

3 See Plaintiffs' infringement contentions, attached hereto as Exhibit B.

4  
5 **COUNT 1 – WILLFUL DIRECT INFRINGEMENT OF THE '662 PATENT**  
6 **(Against All Defendants)**

7 15. Paragraphs 1-14 are incorporated herein by reference.

8  
9 16. The '662 patent is valid and enforceable, all required maintenance fees  
10 having been timely paid.

11  
12 17. Defendant, Oceanic Production Equipment, Ltd., (OPEL - Bahamas)  
13 has purchased one infringing MakoHead Camera Stabilizer ("MakoHead") device,  
14 knowing that it was infringing, and made it publicly available. That device  
15 infringes independent claims 1, 14, 31, 32, 35 and 38 and dependent claims 3 and 4,  
16 of the '662 patent.

17  
18 18. All Defendants have used, sold, rented, induced others to use, and/or  
19 offered for use, sale or rental the infringing MakoHead in this judicial district and  
20 throughout the United States, and/or contributed to the infringement of others or  
21 induced them to infringe. That device infringes independent claims 1, 14, 31, 32, 35  
22 and 38 and dependent claims 3 and 4, of the '662 patent.

23  
24 19. On information and belief, from at least 2009 to the present, the  
25 Oppenheimer Defendants have used, rented, sold and offered for rental and sale,  
26 and/or induced others to use the infringing MakoHead for the video and filming of  
27 productions located in this District and elsewhere.

1           20. From at least 2009 to the present, the Oppenheimer Defendants have  
2 received over \$180,000 in income from their infringing activities.  
3

4           21. On information and belief, from at least 2012 to the present, OPEL has  
5 used, rented, sold, and/or induced others to use, and offered for rental and sale the  
6 infringing MakoHead to video and film productions located in this District and  
7 elsewhere.  
8

9           22. On information and belief, from at least 2009 to the present, John  
10 Dann has used, rented, sold and offered for rental and sale, and/or induced others to  
11 use the infringing MakoHead for the video and filming of productions located in  
12 this District and elsewhere.  
13

14           23. On information and belief, all Defendants willfully infringed the '662  
15 patent, with full knowledge of the *Grober v. Mako Products, Inc.* case, which  
16 commenced in 2004, and in which Oppenheimer Cine, Mako Products, Inc., Jordan  
17 Klein Sr., and Jordan Klein Jr., were originally named as Defendants.  
18

19           24. On information and belief, the Oppenheimer Defendants willfully  
20 infringed the '662 patent and improperly withheld evidence, and made false and  
21 misleading statements concerning their infringing activities, and stated they had no  
22 documents relating to sales or rentals of the MakoHead.  
23

24           25. Plaintiffs have documents produced by other parties in the *Grober v.*  
25 *MakoHead Products Inc.* case showing all Defendants engaged in renting the  
26 accused MakoHead device on multiple occasions.  
27  
28

26. Plaintiffs have been irreparably damaged by all Defendants infringing the '662 patent, entitling Plaintiffs to monetary and injunctive relief.

27. All Defendants' infringement of the '662 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

28. Defendants’ renting of the accused infringing MakoHead constitutes “use” under the patent law, 35 U.S.C. § 271(a), such that Defendants are direct infringers and strictly liable without proof of any specific intent to infringe. *Kori v. Wilco Buggies and Draglines*, 217 U.S.P.Q. 1302 (Ed. La. 1981).

**COUNT 2 – INDUCING INFRINGEMENT OF THE ‘662 PATENT**  
**(Against All Defendants)**

29. Paragraphs 1-28 are incorporated herein by reference.

30. Defendant OPEL, on information and belief, caused, supported, controlled, directed, coordinated and/or induced the infringing activities, including in California, of the Oppenheimer Defendants, and others, and benefited from such acts.

31. Defendants Oppenheimer Cine Rental, LLC, Oppenheimer Cameral Products, Inc., and Marty Oppenheimer have on information and belief, caused, supported, controlled, directed, coordinated and/or induced the infringing activities, including in California, of the Oppenheimer Defendants, and others, and benefited from such acts.

32. Defendants induced the infringement of the '662 patent, including in California, to the detriment of Plaintiffs. This indirect infringement has been willful and has caused irreparable harm to Plaintiffs.

33. Defendants knowingly induced infringement and possessed specific intent to encourage another's infringement. Defendants knew of the patent, and that the induced acts constituted infringement, or Defendants were willfully blind. *Global Tech v. SEB*, 563 U.S. 754 (2011).

## PRAYER FOR RELIEF

34. Judgment that Defendant Oppenheimer Cine Rental LLC. has infringed the '662 patent;

35. Judgment that Defendant Oppenheimer Camera Products, Inc. has infringed the '662 patent;

36. Judgment that Defendant Marty Oppenheimer has infringed the '662 patent;

37. Judgment that Defendant Oceanic Equipment Rentals, Ltd. has infringed the '662 patent;

38. Judgment that all Defendants have induced the infringement of others within the meaning of 35 USC Sec. 271(b);

39 Judgment that Defendants' infringing activities were and continue to  
be willful;

1           40. A preliminary injunction prohibiting Defendants from making, using,  
2     renting, selling, and offering for use, rental or sale, the accused MakoHead device,  
3     or colorable imitations, or engaging in any other acts of infringement related to the  
4     U.S. Pat. '662;

5  
6           41. A permanent injunction prohibiting Defendants from making, using,  
7     renting, selling, offering to sell or rent any products infringing the U.S. Pat. '662;

8  
9           42. Damages for infringement of the '662 patent, according to proof, as  
10    well as prejudgment interest;

11  
12          43. Treble damage for willful infringement of the '662 patent;

13  
14          44. An award of attorney fees pursuant under 35 U.S.C. § 285; and

15  
16          45. Judgment that Defendants are jointly and severally liable for all  
17     damages and/or lost profits awarded, including costs and expense, interest from the  
18     time of loss, and attorney's fees.

19  
20          46. Such other relief as the Court deems just and proper.

21  
22     Date: February 1, 2018

Respectively submitted,

LAUSON & TARVER LLP

/s/ robert lauson

Robert Lauson (175486)

*Attorneys for Voice International, Inc.*

/s/ david grober

David Grober, Plaintiff, in pro per

**JURY TRIAL DEMAND**

Plaintiffs request a trial by jury on all claims asserted.

Date: February 1, 2018

Respectively submitted,

LAUSON & TARVER LLP

/s/ robert lauson

Robert Lauson (175486)

*Attorneys for Voice International, Inc.*

/s/ david grober

David Grober

Plaintiff, in pro per